IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

RP.No. 300 of 2007()

AGAINST THE JUDGEMENT/ORDER IN RPFC.12/2006 Dated 20/02/2006

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REVIEW PETITIONER/REVISION PETITIONER/PETITIONER:

JISSA P. JOSE
D/O.JOSE, PADAVIL VEETTIL
CHITTADI, VANDAZHI,
ALATHUR, PALAKKAD.

BY ADV. SRI.P.SANTHALINGAM
SRI.A.D.SHAJAN

RESPONDENT/RESPONDENT/RESPONDENT

ROY VARGHESE,
S/O.T.T.VARGHESE,
THACHAMPERIL VEETTIL, KANACKANTHURUTHI,
VADAKKANCHERRY, ALATHUR, PALAKKAD.

BY ADV. SRI.P.K.ANIL

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Review Petition No. 300 OF 2007
in R.P.(F.C) No. 12 of 2006

Dated this the 12th March, 2007.

O R D E R

The review petitioner preferred M.C.No.26/2004 before the Judicial First Class Magistrate Court, Alathur, claiming maintenance against her husband, the respondent. After considering the evidence adduced by both sides, an amount of Rs.1,750/= per month was awarded by the court below. The respondent came up challenging the said award of maintenance by preferring R.P.(F.C.) No.172/2005 before this Court. Meanwhile, R.P.(F.C) 12/2006 was filed by the review petitioner praying that the learned Magistrate went wrong in awarding the maintenance from the date of the order, and, therefore, prayed that the award may be effected from the date of maintenance petition itself.

2. Both the wife and husband respectively are young. Therefore, an attempt was made by this Court to unite both of them through conciliation and counselling. The father of the review petitioner, and the relatives of the respondent, were present along with their counsel. A rapprochement between the parties was found

to be impossible. Therefore, they were directed to discuss and arrive at a consensus, on all other aspects. Accordingly, the parties have settled the matter among themselves, and the respondent agreed to pay an amount of Rupees Four Lakhs in full and final settlement of all dues, which the respondent had to pay to the review petitioner. The dress and other personal belongings of the review petitioner and kept by the respondent in his house, were also handed over. The bills for the purchase of ornaments, by using the funds given by the father of the review petitioner, were also returned by Advocate Sri.Mohana Krishnan, who is representing the respondent, before the court below. The entire disputes between the parties were fully and finally settled. The review petitioner had got no right to make any claim on Roy Varghese hereafter.

3. Further, the counsel on either side prayed that an opportunity may be given to the parties, to file a joint petition for divorce on mutual consent, as per the Divorce Act, before the local Family Court, and the court below may be directed to expedite the disposal of the same. It was then understood that the original petition filed under the Divorce Act before the District Court, Palakkad, by the respondent, had been transferred and re-numbered as O.P.No.32 of

2006 before the Family Court, Palakkad, as the Family Court started its function in that District. Similarly, another Original Petition for divorce filed by the review petitioner before the District Court, Palakkad, had also been transferred to the Family Court, Palakkad. But it remains unnumbered. Hence, for administrative convenience and for clarity, I have directed, through my order dated 20.2.2006, the review petitioner to withdraw the petition filed by her. Accordingly, I have also directed the Family Court, Palakkad, to permit the parties to file a joint petition for divorce on mutual consent in O.P.No.32/2006, as the same is numbered, at the first instance, and pending in that court. On such a petition being filed, O.P.No.32/2006, shall be disposed of, by passing orders on the joint application.

4. The prayer in the review petition is to modify the common judgment to the extent of directing the review petitioner to withdraw the Divorce (O.P) of the Family Court, Palakkad, and order to file a separate joint application for divorce.

5. When the review petition came up for consideration, it has been submitted by the counsel for the review petitioner, and conceded by the counsel for the respondent, that the parties have filed

separate joint application for divorce on mutual consent, and the same has been allowed by the Family Court. Thus, a decree of divorce had already been granted to the parties. Counsel for the respondent also submits that the respondent had married after the granting of the divorce.

In the above circumstances, I find that no further orders are necessary in this review petition, which became infructuous. Hence, the same is dismissed as infructuous.

J.M. JAMES,
JUDGE

nj.